

The plaintiff's claims in *Butowsky* were based on the publication of two articles on Vox Media's public website, www.vox.com. *Id.* at 20; *compare* Doc. # 32 at 7 (HuffPost article posted on public website). Butowsky alleged that the articles caused him reputational injury in Texas, where he lives. Like the HuffPost article, the Vox articles did not mention Texas and were not based on any sources from Texas. Ex. A at 20-21; *compare* Doc. # 32 at 6-7 (HuffPost article did not mention Texas and was not based on Texas sources). Rather, they reported on events outside Texas, including in Washington, D.C. Ex. A at 20; *compare* Doc. # 32 at 6 (HuffPost article reported on meeting in Washington, D.C.). Although Texas residents could access the Vox articles, only about 6% of the page views for the articles were by Texas readers. Ex. A at 24-25; *compare* Doc. # 32 at 7 (8% of page views of HuffPost article were from Texas).

Judge Johnson held that these facts could not support the exercise of personal jurisdiction by a Texas court. Like HuffPost, Vox is not "at home" in Texas. Accordingly, the court held that it could not exercise general jurisdiction over Vox Media. *Id.* at 7. Judge Johnson then surveyed relevant Fifth Circuit and Supreme Court precedent on the test for determining specific jurisdiction in libel cases, and held that the Fifth Circuit's "subject and sources" standard "is the proper test for determining personal jurisdiction in defamation cases. . . ." *Id.* at 15. Applying that standard, Judge Johnson held that the court did not have specific jurisdiction over Vox Media. *Id.* at 20-21.

For these reasons and those discussed in HuffPost's motion (Doc. # 32) and reply (Doc. # 38), HuffPost respectfully requests that the Court dismiss Plaintiff's First Amended Complaint for lack of personal jurisdiction without further leave to amend.

DATED: July 21, 2020

Respectfully submitted,

/s/ Jean-Paul Jassy

Jean-Paul Jassy (Admitted *Pro Hac Vice*)
William T. Um (Admitted *Pro Hac Vice*)
Elizabeth Baldridge (Admitted *Pro Hac Vice*)
JASSY VICK CAROLAN LLP
800 Wilshire Boulevard, Suite 800
Los Angeles, CA 90017
Telephone: (310) 870-7048
Facsimile: (310) 870-7010
jpjassy@jassyvick.com
wum@jassyvick.com
ebaldridge@jassyvick.com

Patrick W. Mizell
ATTORNEY IN CHARGE
Texas Bar No. 14233980
Federal ID No. 36390
VINSON & ELKINS L.L.P.
1001 Fannin Street, Suite 2500
Houston, Texas 77002-6760
Telephone: (713) 758.3882
Facsimile: (713) 615.5493
pmizell@velaw.com

Marc A. Fuller
Texas Bar No. 24032210
Federal ID No. 2035080
VINSON & ELKINS L.L.P.
2001 Ross Avenue, Suite 3900
Dallas, TX 75201
Telephone: (214) 220-7700
mfuller@velaw.com
*Attorneys for Defendant TheHuffingtonPost.com,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2020, copy of the above and foregoing has been filed electronically with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Marc A. Fuller

Marc Fuller